

REMARKS/ARGUMENTS

Reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1-9 remain in this application.

The rejection of claims 1 through 9 as unpatentable Salisbury et al. 5,163,768 in view of Youngs et al. 6,099,187 under 35 USC 103(a) is respectfully traversed.

Attention is respectfully invited to the following recitals in independent claims 1, and 6:

“...said socket members being closed except for an opening at the top, each said opening being adapted to receiving a said post member in a snap fit wherein said post and socket members are adapted to forming airtight seals with one another when interengaged...” (Claim 1).

“...said openings being adapted to receiving said post member in a snap fit wherein said post and socket members are adapted to forming airtight seals with one another when interengaged.” (Claim 6).

The significance and construction of a “snap fit” are taught at length in the present specification. See particularly p. 8, Ln. 24 through p. 10, Ln. 13, p. 11, Lns. 12-15, and p. 12, Lns. 2-3.

The “snap fit” is not provided for an idle purpose. If a “snap fit” is not achieved, the spine will not hold together, and the user is alerted to this fact by the absence of an audible snap. Where the purpose of the spine is to securely hold papers, the “snap fit” is fundamental to the purpose of the invention.

A spine that will exhibit a “snap fit” when opened or closed is not achieved by every combination of a cylindrical closed socket in frictional engagement with a cylindrical plug.

The audible snap indicates something about the structure, namely, that the structure is such that a secure join may be achieved. It is a property or characteristic of the structure. The present specification teaches that:

"The choice of materials and the correct dimensions of the post member and socket that are required to achieve the desired snap fit are arrived at by an iterative process." See, p. 9, Lns. 17-19.

In a specific example where the materials of construction are polypropylene, and the inside diameter of the socket was 0.150 inches, the diameter of the post member was 0.155 inches. See p. 12, Lns. 2-3, and p. 11, Lns. 12-15. For these sizes and material it was found that the post member needed to be 0.005 inches larger than the inside diameter of the socket to achieve a "snap fit". That is, in this particular example, there was a five thousandths interference fit between the post member and the socket. There would still be frictional engagement between the post member and socket if the interference fit were an order of magnitude less, that is, 0.0005 inches, but there would be no snap fit, and the fit would not be airtight. Indeed, there would still be frictional engagement if the post member and socket were the same size, because it would be impossible to insert the post member exactly into the socket without some axial misalignment, but there would be no snap fit.

Youngs et al. teaches what a snap fit is in their understanding. Youngs et al's. Fig. 5C shows what they consider to be a snap fit as discussed at Col. 6, Lns. 51-59. The teaching there, *inter alia*, is as follows:

"Each post 32 is formed with a radially inwardly directed annular ring 84 that is adapted to form a 'snap fit' when the annular ring 82 of the tongue members 38 travels past the annular ring 84 of the post 32. In this way audible and tactile indications are provided to the user that an engagement has been established between the tongue members 38 and posts 32."

Youngs et al. understood the need for a secure connection and the need for audible and tactile indications that a secure connection had been made, but there is no teaching in this reference to direct or in any way lead a routineer in the art to your Applicant's claimed invention.

A common sense reading of Youngs et al. teaches routineers in the art that mating rings are required to provide a snap fit. There is nothing to connect the teaching in Col. 4, Lns. 25-31 that, although not preferred:

"Alternatively, posts 32 may be solid along a substantial part of their respective lengths and terminate proximate their remote ends 34 in the female receptacle 36."

with the teaching in Col. 6, Lns. 7-11 that:

"As shown in FIGS. 2-3, the male plug bodies 60 may include a cylindrical wall 62 that is adapted to frictionally engage a cylindrical inner wall 64 of the posts 32. In this way, a releasable connection or engagement may be established between the tongue members 38 and the posts 32."

Youngs et al. do not teach routineers in the art that straight cylindrical walls will provide a "snap fit". By teaching routineers in the art that mating rings are necessary to produce a "snap fit" (Fig. 5C), Youngs et al. teach routineers in the art away from any implication that a snap fit may be achieved by combining the above quoted teachings from Cols. 4 and 6. Also, as discussed above, the combination of the teachings from Youngs et al's. Cols. 4 and 6 would not inherently produce a "snap fit".

Salisbury et al's. teachings as to a joint in the spine are illustrated, for example, in Figs. 2, 5 and 6. There is nothing airtight about the joint proposed there. The joint is formed between a pair of mating rings. Any snap is as a result of the same action that is

disclosed in Fig. 5C of Youngs et al., as discussed above. This does not teach a routineer in the art towards your Applicant's claimed invention.

The proposed combination does not contain within it any teaching of the claimed invention.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.